

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CV-N-03-0119-HDM(VPC)

THOMAS A. DILLON, Independent  
Fiduciary of Employers Mutual Plans,

Plaintiff,

v.

James Graf, *et al.*,

Defendants.

FILED  
04 JAN -5 PM 3:17  
LANCE S. WILSON  
CLERK  
DEPUTY

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**MOTION OF CAMERON POUNCEY TO DISMISS COMPLAINT**

Defendant, Cameron Pouncey, moves for the entry of an order dismissing the above-captioned case as to him pursuant to Rule 12(b)(2), Federal Rules of Civil Procedure and Paragraph 16 of the Case Management Order entered in this case.

The grounds for this motion are that Mr. Pouncey operates his insurance business totally in the State of Florida. He does not conduct any business in the State of Nevada and none of the claims in this case against him, negligence, breach of contract to procure valid insurance, and professional malpractice, arise out of any activities in the State of Nevada. All such alleged activities occurred in the State of Florida.

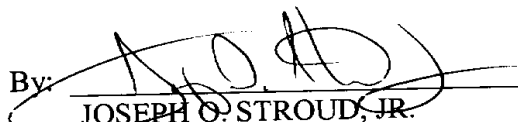
Defendant does not have minimum contacts with the State of Nevada and the court's jurisdiction over him in Nevada would not meet the requirements of constitutional due process. Defendant has not done anything to purposely avail himself of the privilege of conducting business activities in Nevada such as to evoke the benefits and protections of its

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laws. Defendant could not reasonably anticipate being haled into court in Nevada. The claims against Defendant do not arise out of activities in Nevada. The exercise of the Court's jurisdiction over this Defendant would not be reasonable.

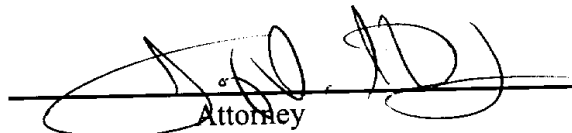
Defendant will submit an affidavit in support of the full motion to dismiss to be filed by lead counsel in accordance with paragraph 16 of the Case Management Order.

**ROGERS TOWERS, P.A.**

By:   
JOSEPH O. STROUD, JR.  
Florida Bar No. 221600  
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Jacksonville, Florida 32207  
Telephone: (904) 398-3911  
ATTORNEYS FOR DEFENDANT  
CAMERON POUNCEY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing as been furnished to Robert Brace, Esquire, Hollister & Brace, 1126 Santa Barbara Street, Santa Barbarta, CA 93101, Stephen C. Balkenbush, Esquire, Thorndal, Armstrong, Delk, Balkenbush & Eisinger, 6590 S. McCarran Blvd., Suite B, Reno, Nevada 89509; John D. Goldsmith, Esquire, Trenam, Kemker, Scharf, Barkin & Frye, O'Neill & Mullis, 2700 Bank of America Plaza, 101 East Kennedy Blvd., Tampa, FL 33602 and Bradley S. Thomas, Esquire, Mason & Thomas, 2151 River Plaza Drive, Suite 100, Sacramento, CA 95833 by U.S. Mail this 31<sup>st</sup> day of December, 2003.

  
Attorney